

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Victor ChiSiang Choo

Appln. No.: 10/791,051

Filed : March 2, 2004

For : CLAMP OR CLAMP ASSEMBY HAVING A
LOW PROFILE

Docket No.: S104.12-0048 / STL11375

Confirmation No. 2836

Group Art Unit: 3729

Examiner: Paul D. Kim

RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF

ELECTRONICALLY FILED APRIL 12, 2010

Sir:

This is in response to the Notification of Non-Complaint Appeal Brief mailed on March 10, 2010. In response to the Notification of Non-Complaint Appeal Brief, Applicant submits a Substitute Appeal Brief.

In the Substitute Appeal Brief under the GROUND OF REJECTION TO BE REVIEWED ON APPEAL, Item I is amended to recite "Whether claims 17-19 and 31 are properly objected to as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112?" to correct the incorrect reference to claims 7-9 which are not pending in the application nor presented for appeal. Thus, the Substitute Appeal Brief contains a concise statement of each ground of rejection, including the objected claims, presented for review under 37 C.F.R. §41.37 (c)(1)(vi).

The original Appeal Brief and Substitute Appeal Brief state that no amendments have been filed subsequent to the Final Office Action of March 5, 2009, which is proper under 37 C.F.R. §41.37 (c)(1)(iv). In the Notification of Non-Complaint Appeal Brief, the Examiner states that the Final Amendment filed on July 30, 2008 is at least one amendment filed subsequent to the final rejection and the brief must contain a statement of the status of said amendment. However, Applicant notes that **the Amendment After Final filed on July 30, 2008 is PRIOR TO and NOT subsequent to the final rejection of March 5, 2009 for which appeal is sought.** Accordingly withdrawal of the non-complaint status which respect to the status of amendments under 37 C.F.R. §41.37 (c)(1)(iv) is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

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